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14 *Attorneys for Plaintiffs Celonis SE and Celonis, Inc.*

15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 Celonis SE and Celonis, Inc.

19 Plaintiffs,

20 v.

21 SAP SE and SAP America, Inc.

22 Defendants.

17 Case No.: 3:25-CV-02519-VC

18 **PLAINTIFFS CELONIS SE'S AND**
CELONIS, INC.'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION

19 **Date: April 24, 2025**

20 **Time: 10:00 AM**

21 **Judge: Honorable Vince Chhabria**
Courtroom: 4 – 17th Floor

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 **PLEASE TAKE NOTICE THAT** on April 24, 2025, at 10:00 a.m., or as soon as the matter
4 may be heard, in the United States District Court for the Northern District of California, San
5 Francisco Division, Celonis SE and Celonis, Inc. (collectively, “Celonis”), will and hereby do move
6 this Court, pursuant to Fed. R. Civ. P. 65, for a preliminary injunction order enjoining SAP SE and
7 SAP America, Inc. (collectively, “SAP”), and all those acting at their direction or in concert with
8 them, from the acts set forth in the previously filed proposed order (ECF No. 21), namely: (a) imple-
9 menting and/or enforcing any policy, technical measure, or modification to licensing terms,
10 or change to the same, that would inhibit or prevent customers from utilizing Celonis’ ABAP
11 extractor to extract their data from the SAP ERP application; (b) implementing any policy change,
12 technical measure, or modification to licensing terms that would require customers to pay more to
13 extract data for use with non-SAP competitor process mining solutions; and (c) making, issuing, or
14 causing to be made any communications with or directed at customers suggesting that using Celonis
15 will: (i) negatively impact customers’ migration to S/4HANA, pose a risk to customers’ system
16 stability or is otherwise incompatible with SAP or (ii) require customers to obtain a full-use license
17 or pay other fees not imposed on Signavio customers. SAP should be directed to allow Celonis’
18 ABAP extractor to continue operating with SAP’s ECC and S/4HANA platforms without
19 additional cost until (1) the completion of all legal proceedings in this Action, including all appeals,
20 or (2) further order of the Court. Such protections should extend to Celonis’ affiliates, partners,
21 employees, users, and customers.

22 This motion is made on the grounds that: (1) absent a preliminary injunction, Celonis is
23 likely to suffer irreparable harm; (2) Celonis is likely to succeed on the merits of its claims; (3) the
24 balance of equities tips sharply in Celonis' favor; and (4) the public interest supports an injunction.
25 This motion is based upon the Complaint in this action; this Notice of Motion; the previously filed
26 Memorandum of Points and Authorities; the previously filed Proposed Order; the previously filed
27 Declarations of Hayk Zargaryan, William Mark Jacobs, and Kostis Hatzitaskos, Ph.D. (ECF No.

1 21); all matters with respect to which this Court may take judicial notice; and such oral and
2 documentary evidence as may be presented to the Court.

3 Dated: March 18, 2025

4 Respectfully submitted,

5 By: /s/ Michael M. Maddigan
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